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DEPARTMENT FOR S/CT COORDINATOR DAILEY AND EUR/WE  
NSC FOR JUAN ZARATE  
DEA FOR MICHAEL BRAUN AND THOMAS HARRIGAN

E.O. 12958: DECL: 03/12/2018

TAGS: PTER PREL PGOV SP

SUBJECT: SPAIN/AL-KASSAR: EXTRADITION NOT LIKELY UNTIL NEW  
GOVERNMENT IS IN PLACE

REF: MADRID 007

Classified By: Ambassador Eduardo Aguirre, Jr. for Reasons 1.4 (b) and (d)

¶1. (C) The Spanish Council of Ministers (COM) on March 7 failed to discuss and approve the U.S. request for the extradition of Syrian arms dealer Monzer Al-Kassar during its final meeting before Spaniards went to the polls to elect Spain's next government. The Ambassador and DCM followed up with senior GOS officials to press them on the status of the case. The Ambassador phoned Foreign Minister Moratinos on March 7 to express his disappointment over the COM's failure to approve the extradition, and the DCM contacted Deputy Justice Minister Perez-Hernandez on March 12 to congratulate him on the elections results and to request an update on the case. Both officials said that some "technical and legal issues" have blocked action on the matter. Perez-Hernandez told the DCM that the MOJ still did not have formal notification of the written decision from Appeals Court Judge Gomez-Bermudez and therefore could not send the decision to the COM for final review and approval. There appears to be a disconnect, as the DCM met with Judge Gomez-Bermudez in late February and received assurance that the decision was completed and had been sent to the Ministry of Justice, and Perez-Hernandez's deputy told Embassy LES legal advisor on March 3 that all documentation was in order and ready to go to the COM. We will do what we can to sort through the confusion and obtain a copy of the official written appeals court decision. Regardless of the status of the decision, we are again in a holding pattern for the next several weeks. Embassy Madrid's legal advisor tells us that Spanish law prohibits an "interim" government (such as we have now pending the formation of the new Zapatero administration in April) from approving extradition cases, preventing the Spanish government from taking action until the new government is seated and the new Council of Ministers convenes, probably in late April or early May.

¶2. (C) COMMENT: Further to REFTEL comprehensive review of the ongoing case, we have continued efforts to achieve Al-Kassar's successful extradition to the United States. Bureaucratic delays, a labor strike at Spain's National Court now in its sixth week, and a probable desire on the part of

the government to avoid this case becoming a negative electoral issue, served to slow this process more than we would have liked. Our objective now is to ensure that Judge Gomez-Bermudez and the Ministry of Justice are on the same page in regards to the written decision so that the Council of Ministers is prepared to deal with this issue when the new government takes office. The Ambassador plans to engage directly with Justice Minister Fernandez Bermejo to ensure prompt attention to this matter. The Madrid Country Team will continue to work this case at the highest levels to reinforce to the Spanish government our desire to see Al-Kassar in U.S. custody as soon as possible. Other than the delay described above, we have every reason to believe the extradition will move forward.

AGUIRRE